

MINUTES

CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
DECEMBER 15, 2009
6:00 P.M.

1. The meeting was called to order at 6:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Carter and Invocation was given by Councilman Portwood.

ROLL CALL

PRESENT

Mayor Pat Woolley
Vice-Mayor Nancy Olson
Councilman Christian Portwood
Councilman Dean Johnson
Councilwoman Cathy Maxey
Councilman Doug Davis

ABSENT

Councilman David Dirkschneider
Councilman Phil Owens
Councilman Mike Gossman

STAFF PRESENT

Matt Love, City Attorney
Roger Patty, Police Chief
Rob Carter, Fire Chief
Mike Turman, Public Works Director
Scott Barrett, City Engineer
Pamela McDowell-Ramirez, City Clerk

2. Presentation of a 30 year service pin to Fire Chief Rob Carter and a 5 year service pin to Communications Specialist Tischia Guthrie.

The Mayor presented Chief Carter with a 30 year service pin and a 5 year service pin to Communications Specialist Tischia Guthrie.

3. Call to the Public.

Moot.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.

A. Approval of the minutes from the Regular meeting of November 17, 2009 and Special meeting of November 17, 2009. ****

B.	Approval of Expenditures ****	General Fund	\$135,928.73
		CIP Fund	\$ 6,124.78

- C. Approval of Actual Expenditures for November 2009 and Proposed Expenditures for December 2009. ****
- D. Sales Tax History Report. ****
- E. Surplus Sgt. Scott Schatzer's damaged Body Armor RC551453.

Motion by Johnson, second by Portwood to approve B, C, D and E of the Consent Docket. Poll vote: Johnson, yea; Davis, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

- 5. Discussion and possible action on items removed from the consent docket.

Councilman Portwood stated that the minutes needed to be corrected on items 10 and 11. The minutes have his name in each item but he was not present at the meeting.

Motion by Johnson, second by Portwood to approve item A as amended. Poll vote: Johnson, yea; Davis, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

- 6. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, and City Planner. ****

Chief Patty thanked the City Hall staff and the volunteers that helped out with the awards party on December 10th and thanked everyone for attending the event.

Clerk Ramirez thanked Bob Wehba for setting up all the chairs and tables for the event.

Attorney Love said that he is working on an Ordinance pertaining to the new permit fee for the State and an Ordinance that will prevent applicants for Special Use Permits, that do not show up for meetings, from being able to apply again.

PWD Turman said that 49th Street had been milled off, the handicapped ramp and curbs will be done and then they will be ready to overlay. He wished everyone a Merry Christmas.

Engineer Barrett told that smoke testing was being done in Ward 4 for the Inflow study. The Energy Efficiency projects were moving forward. Final MacArthur overlay plans were submitted to ODOT. Today they turned in the necessary paperwork to get MacArthur 36th to 50th on the ACOG schedule for 2011 and 2014. He wished everyone a Merry Christmas and a Happy New Year. He also

told the council that the 63rd Street overlay project had been bid and should start February 1st.

7. Discussion and possible action on Planning Commission recommendation with regard to granting a special use permit for used auto sales at 5674 NW 39th St., formerly Big O Tires. Applicant: Akbar Ghoreyan. (Planning Commission denied)

Attorney Love stated that the applicant did not show for the Planning Commission meeting in November so he was given another opportunity to attend the Planning Commission meeting in December and he did not show for it either. Therefore, the recommendation of the Planning Commission is to deny the application.

Motion by Olson, second by Portwood to deny the Special Use Permit. Poll vote: Johnson, yea; Davis, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

8. Discussion and possible action on a Tort Claim filed by David Sanger in reference to a Sewer Backup into the bedroom of his rent house located at 5712 NW 42nd Street. ****

PWD Turman stated that a call about a sewer back up came in at around 7:45 a.m. He tried for over an hour to contact the Sewer department; however, they were attending a school and could not answer the call. He stated that he called Sanitation Supervisor Hayes and he was on a route so he was unavailable at the time to help. Once he was free they were able to go out and clear the line, however, it was by then 11:00 a.m. and the back up had now overflowed into the bedroom of the house and a second house next door. Mr. Turman feels that because of the delay in being able to respond to the call the city is responsible for the damage and should pay for the cleaning and repairs. Attorney Love stated that the city has 90 days to take action. He stated that OMAG, the city's insurance carrier, investigated that claim and determined that the city was not negligent. The Mayor asked PWD Turman if there was anything that could have been done to prevent the backup. Mr. Turman stated that the owner could install a backflow preventor. The Mayor stated that 90-95% of the homes in Warr Acres do not have backflow preventors on their lines. He also stated that preventive maintenance is being done by the city to try and keep back ups from happening. A question arose as to how much the claimant was asking for because on the front of the claim form there was not a total. Clerk Ramirez stated that the invoices were attached. Attorney Love stated that if they agreed to pay the claim then a release form would need to be signed by the claimant. Also, there was an issue that there were two addresses listed on the two invoices. The council asked the Attorney to look into this issue and bring the information back at the next meeting.

Motion by Maxey, second by Johnson to continue the item to the January meeting for more information. Poll vote: Johnson, yea; Davis, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

9. Discussion and possible action to approve a contract with Interra Hydro of Austin, Texas to perform a flow monitoring study for Sewersheds 11, 12, 13, 14, and 15, all in Ward 4 in the amount of \$31,000.00 for a 60 day study period. Work on this project is needed to prepare plans and specifications for a sewer rehabilitation project in these basins. The study and plans must be completed and approved by ODEQ prior to April 1 2010 in order to apply for community development block grant funds. The flow monitoring study will include seven flow meters and three rain gauges. Work on this study would begin in January 2010. ****

Engineer Barrett stated that this is the continuation of the flow study that was started in 2009. They are getting the engineering and studies done for the rehab for Ward 4 sewer lines. Clerk Ramirez asked if they had to bid the work since they had done so in the past and it was over \$7,500. Engineer Barrett stated that they bid the last one and Interra Hydro was the lowest bidder. The Mayor stated that last time there was a dry spell and they had to do a change order to get the time extended. He questioned whether this was the right time of year to be doing the study. He said they need to do them when it is a rainy time of year so they don't have to keep extending it. Mr. Barrett stated that January is not a good time and February and March are better for rain however, in order to apply for grants the study has to be completed. The Mayor stated that they did go out for bids the last time and they need to make sure that they do everything right. This item will be continued to a Special meeting on Monday, December 21st at 6:00 p.m.

No Action Taken.

10. Discussion and possible action to approve a contract with Traffic Engineering Consultants, Inc. of Oklahoma City to perform a detail traffic operational analysis of MacArthur Boulevard from NW 36th Street to NW 51st Street in the amount of \$18,000.00. Work on this project is needed to evaluate traffic capacity and turning movements on MacArthur and adjacent side streets in order to determine the needed configuration for turning lanes and signalization for the project. This information is critical to finalizing the design and plans for the project. Work on this traffic study would begin in January 2010. ****

Councilwoman Olson stated that there are lots of right-of-ways in that stretch of MacArthur. Engineer Barrett state that the city does not usually bid for services of engineers. This item also will be discussed at the Special meeting on Monday, December 21st at 6:00 p.m.

11. Discussion and possible action to renew the contract for City Engineering services with Legacy Engineering, Inc. for FY 2010. ****

Motion by Olson, second by Johnson to approve the contract. Poll vote: Johnson, yea; Davis, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

12. Questions and Comments from Councilmembers.

Councilman Johnson wished everyone a Happy and Safe Holidays.

Mayor Woolley told everyone to enjoy their families during the holidays and wished safety for the military around the world.

Councilwoman Olson wished the same.

Councilwoman Maxey asked if the agenda could have the pages numbered. Clerk Ramirez stated that she would work on it.

Councilman Davis wished Merry Christmas and Happy New Year.

13. Discussion and possible action concerning contract negotiations for FY 2010 with FOP Lodge #145, and IAFF Lodge #2374 and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B)(2), discussion negotiations concerning employees and representatives of employee groups. *Puckett*

The Mayor pulled this item. He stated that there was no need for the item at this time. He told the council that they had their first meetings with each of the unions and they are to meet again on Friday.

14. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

Moot.

15. Adjournment.

Motion by Johnson, second by Portwood to adjourn. Poll vote: Johnson, yea; Davis, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

CITY OF WARR ACRES PUBLIC WORKS AUTHORITY MEETING TUESDAY

DECEMBER 15, 2009

7:00 p.m.

(Immediately following completion of the regularly scheduled City Council meeting)

1. The meeting was called to order at 6:55 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairman Patrick Woolley
Vice-Chair Nancy Olson
Trustee Christian Portwood
Trustee Dean Johnson
Trustee Cathy Maxey
Trustee Doug Davis

ABSENT

Trustee Phil Owens
Trustee David Dirkschneider
Trustee Mike Gossman

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of November 17, 2009. ****

Motion by Olson, second by Portwood to approve the minutes. Poll vote: Johnson, yea; Davis, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

3. Approve payment of claim in the amount of \$58,464.92 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of November, 2009. ****

Motion by Johnson, second by Olson to approve the payment. Poll vote: Johnson, yea; Davis, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

4. Approval of payment of claims for the Sewer department. ****

Motion by Olson, second by Portwood to approve the payment of claims. Poll vote: Johnson, yea; Davis, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

5. Adjournment.

Motion by Portwood, second by Johnson to adjourn. Poll vote: Johnson, yea; Davis, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 6:57 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk